

Editorial Page

THE CONTEMPT CASE AGAINST AUDITOR SANDERS

That there is vicious animus behind the attempt made on Monday last, in a local Justice Court, to compel F. A. Sanders, employed by the three largest taxpayers in Greenlee County as a county auditor, to quit his position, was plainly manifested when Justice Moder intimated that a jail sentence for contempt of court would be his lot if he failed to read the handwriting on the wall.

When F. A. Sanders was recently bound over to await the action of the grand jury on a charge of altering the records in the office of the Clerk of the Board of Supervisors, the conclusion was natural that the matter would now go into the courts for final settlement.

On that charge the Era was and is of the opinion that no crime had been committed within the meaning of our statutes when Mr. Sanders, acting in the capacity of County Auditor, changed certain segregations made by the Clerk of the Board by transposing the items from one column to another. Before a felony can be committed the act must be performed with felonious intent; to wilfully alter, mutilate or steal a public record in this territory is a crime under our statutes, but there must be a combination of wrong intent and evil design, coupled with the act, to come within the meaning of our statutes. The District Attorney of the County, however, places a different construction upon the statute, and as the prosecuting officer of the county, demanded that the defendant be held to await the action of the grand jury, which was done.

The arrest of Mr. Sanders upon this charge, following close upon the heels of the decision of Judge Lewis, in mandamus proceedings, giving Mr. Sanders the right to inspect the records of the Board (after he had been denied access to them for the purpose of making an audit) had the appearance of an act of retaliation, because, the taxpayers' auditor has been and is persona non grata with the Board, the Clerk, and certain other county officials.

At the time Mr. Sanders was arraigned excessive bonds, in the sum of nine thousand dollars, was demanded and there was a disposition manifested at that time to throw the defendant in jail without giving him opportunity to secure bondsmen. Since the arraignment of Mr. Sanders on the charge of altering the records several weeks have elapsed when the Justice of the Peace is suddenly imbued with the idea that he has been "contempted" and summons the defendant into his court, with a jail commitment already prepared and in his inside pocket.

And to show the animus and the motive in the proceedings the defendant is given the alternative of resigning his position as Auditor for the taxpayers.

In his street opinions and decisions the Justice let the cat out of the bag. His outraged feelings can be mollified and "everything will be alright"—provided Mr. Sanders ceases the performance of his duties as an employee of the big mining companies of Greenlee county.

By his own remarks Justice Moder stands convicted of being a party to the plan to force the resignation of Mr. Sanders—or land him in jail.

The thought occurs, by what authority does the Justice of the Peace of Clifton precinct demand the resignation of an employee of three of the largest taxpayers of the county as the penalty of the alleged contempt of his court?

By what authority does the Justice of the Peace hold contempt proceedings over the head of a representative of these taxpayers who seek to inform themselves regarding the expenditure of public funds?

By what authority does the Justice of the Peace threaten Mr. Sanders on the street with a sentence which will cause him misery and in the next breath demand that he give up an honorable position?

Under what section of the Statutes does the Justice of the Peace of Clifton constitute himself the Judge as to who shall or shall not have the right to represent taxpayers of this county for the purpose of making an inspection and audit of public records?

The whole proceedings remind us of the incident where a Justice of the Peace sentenced a man to be hung.

TO BE OR NOT TO BE

"To be—or not to be, that's the question" which is agitating the mind of the newly elected state and county officers. We refer to the three year or one year tenure of office. Some say it's to be three and some say it's to be one. Most of the state and county officers are holding up three fingers but are not saying much. In Greenlee county we have had elections galore dating from September 1910. We have had more than our share and the expense of the same has been no small matter. But whether or not state and county officers shall hold their positions until January 1, 1915 another election will be held in Arizona during November next. That election will be for President of the United States and a Congressman whose term of office is fixed by Act of Congress and expires March 4, 1913.

In commenting on the three year term the Bisbee Review says:

"The facts in this particular case are these and they are indisputable. It was not the intention of the constitutional convention that any officer should be elected for a term of three years and one clause of the constitution expressly names January 1, 1913, as the end of the terms of the first officers. Another clause is in direct conflict with this, leaving reconciliation impossible. The wisest judge that ever donned the ermine could not bring them together by any more certain process than the flipping of a coin. The most ignorant voter could do as well, if reconciliation were the thing aimed at.

"But that isn't necessarily the thing sought. As we have said, circumstances leave no doubt as to the intention of the constitutional convention. There was equally, no doubt that all the voters on December 12, understood that there was to be a general election on the second Tuesday of next November. In view of all these things there can be no objection to letting the people settle something that no tribunal could settle more scientifically."

Jeffersonian simplicity is not applied to the practices of Speaker Clark in one instance at least. It will be remembered that Mr. Clark refused to ride in Uncle Joe Cannon's limousine and made a grand stand play that "the street cars are good enough." Mr. Champ has stuck to the declaration, but he has gone every other former Speaker one better in permitting a private dining room to be installed in the Capitol for his use, thus demonstrating that he is not made of common clay.

There is no doubt but what Mr. Postmaster General Hitchcock made quite a hit with his proposal to annex the telegraph companies of the country to the Department over which he is so ably presiding, but it is pertinent to remind in speculating as to just what one Theodore Roosevelt would have done to a cabinet officer who had broached such a plan to the general public without first taking the president into his confidence. The good-natured Mr. Taft summoned Mr. Hitchcock into conference, and speedily forgave him for his lese-majesty, whereas Teddy would likely have boxed his ears. Mr. Hitchcock's plan has been taken up seriously, on Capitol Hill, but there appears to be a determination to first dispose of the parcels post before considering any further radical innovations in the Post Office Department. Assistant Postmaster General De Graw is vigorously championing the Department plan for a parcel post delivery along rural mail routes, urging that it would amount other things be a great revenue producer for the government.

Hon. Marcus A. Smith held a meeting last week with the farmers of the Salt River valley for the purpose of agreeing on a tentative plan for congressional relief for the farmers who were beneficiaries under the Roosevelt dam cost four times as much as originally proposed and dam costs four times as much as originally proposed and the payments distributed over a period of ten years are excessive and burdensome as a consequence. It appears that the complaint of the farmers is a just one and the time of the payments should be extended to a reasonable limit, but the fact should be borne in mind that any attempt on the part of the farmers or of the representatives in congress from Arizona, to wiggle out or these payments by legislative acts, will prove detrimental to the cause of reclamation in the entire west. The payments must be made to the government in good faith and the payments made as light as possible.

The Copper Era extends to the owners of the Tucson Citizen our fully sympathy over the loss of their printing plant in Tucson last Sunday in a disastrous fire whereby the loss to the Citizen is estimated at twenty thousand dollars. The editor of the Era knows full well the hardships encountered, at the best, in the publication of a daily newspaper. By hard work and perseverance Messrs. Jaynes and Williams have placed the Citizen in the front rank of Arizona daily newspapers and the damage by fire, at this time, was a heavy loss they could ill afford. Through the courtesy of the Tucson Star, the Citizen never missed an issue and already a new plant is being installed and the Citizen no doubt will rise from its ashes a bigger and better newspaper than before.

George H. Kelly, a newspaper publisher and editor in Arizona for the past twenty-four years, has just issued another meritorious special edition of the Douglas International and the latest edition is in keeping with others that have been issued from his office with the coming of each new year. The Statehood Edition of the International tells the wonderful story of progress and development of the most populous county in Arizona. The newspapers of Arizona have done their full share in advancing Arizona to its present position of importance and prosperity and the special editions of the newspapers owned and controlled by Geo. H. Kelly have led all the rest.

The United Mine Workers of America are "sore" and refuse to be comforted because a Federal Judge in Indiana released Detective Burns on a charge of kidnapping the McNamara brothers, the self confessed dynamiters, who are at present in the California penitentiary. We presume that in the event the McNamaras had stood trial and been convicted, instead of pleading guilty, that this same organization would have censured the Judge and jury for "railroading" innocent men to prison. It strikes us that this is a time for anarchistic labor organizations to draw in their horns.

If some of the County officials had their way F. A. Sanders would be sentenced to prison for the remainder of his natural life, but fortunately for Sanders the taxpayers citizens of Greenlee county, as represented on the grand jury, will have something to say about the matter—and as we understand it, they will have the last say.

As the Era goes to press the general understanding among the federal officials of Arizona, and the newly elected state officers is that Monday, February 12, Lincoln's birthday, will be inauguration day. All parties concerned are making arrangements accordingly and Governor Hunt will be in Phoenix on Monday, ready to take the oath of office.

Several thousand democrats in Arizona, who voted for Tom Weedin for Governor in the primaries, and who later took off their coats and supported G. W. P. Hunt in the general election, hope to see the new governor appoint Mr. Weedin as warden of the State penitentiary. It would be a nice compliment to an old democratic war horse and pioneer.

"We see by the papers", that A. Worsley, of Tucson, for years leader of the Socialist party in Pima county, and who ran on the democratic ticket in the last election for the Senate, and was elected, is to be made the floor leader of the Senate. Another bid to the Socialists to get into the democratic band wagon.

Governor Hunt proposes to walk to the capitol building on the day of his inauguration and will give automobiles and carriages, signs of "tainted wealth," the bad eye. This is the first intimation we have had that "Gawge" Washington, Peter, will be a candidate to succeed himself.

Governor Folk has commenced his campaign in Missouri to secure the Missouri delegation to the national convention in his aspirations for the Presidential nomination. The Missouri democrats are divided as between Folk and Clark and a red hot time is anticipated when the Missouri democratic assembly in convention.

The trouble with some of these would-be "progressives" is that they talk too much and too long. Senator La Follette killed his own boom for president in a two hours banquet speech before the American Publishers Association last week.

No one can mistake the activity that is being manifested in the Clifton-Morenci district. On every hand we hear of increased business and the optimistic feeling refuses to wear off.

Good reports continue to come in from the New York & Arizona and Eagle Gold Company operating in the Morenci district. The sound of the whistle will soon be heard at both camps. Another sign of the times.

KEEPING BEFORE THE PEOPLE



Woodrow Wilson, governor of New Jersey and receptive candidate for the Democratic nomination for the presidency, is not hiding his light under a bushel. He is to be seen and heard these days at gatherings of all sorts and in all parts of the country. The portrait here presented is from his latest photograph.

Public Opinion

COLONEL ROOSEVELT

AND HIS CANDIDACY

The astonishing thing is that any sane man should ever have doubted that the "Colonel" was a candidate.

He has always been a candidate.

This picturesque political troubadour sang his candidacy on the day he left the Capitol in dramatic haste on the 4th of March, 1909. He was a candidate when he took the world into the full confidence of his preparations for the lion hunt. He was a candidate in every press dispatch that chronicled the jungle adventures of Bwana Tumbo, in the African wild.

He was a candidate when he emerged from the wilderness until he stood in complacent comparison with Napoleon beneath the Pyramids of Egypt. From Cairo to Copenhagen he was a candidate every step of the way. He was a candidate in every speech he made in Europe. He was a candidate when he landed at the Cunarder dock in the Hudson River. He was a candidate in every chill reflection he has made upon the faithful Taft—a candidate in his open criticism, or subtle innuendo, and a candidate in his suggestive silence. He was a candidate when he first began to depreciate Taft. He was a candidate in every movement he has engineered to undermine the friend whom he made a President.

He is a candidate when he says he is not a candidate.

He is a candidate, waiting and longing to be "drafted" and if he is not "drafted" right soon the picturesque and strenuous "Colonel" will go out and "draft" himself.

We are going to have a gay time at the "Republican convention," and the modest and shrinking "Colonel" will undoubtedly add to the gaiety of nations.—Examiner.

ARIZONA JOURNALIST'S ENTERPRISES

Years ago, when Major George H. Kelly was editing the Bulletin at Solomonville, he began issuing special editions of that paper at regular intervals, and since that time he has gotten out special numbers of the many papers he has been connected with in different parts of Arizona. It has now become a fixed habit with Major Kelly, and the beauty of it is that each number is a decided improvement on its predecessor—and that's surely going some. His latest efforts in this line is a Statehood Edition of the Douglas Daily International, printed in magazine form, profusely illustrated and containing a vast amount of information regarding the county and coming State. It is a valuable publication and well worthy of preservation for future reference.—Tombstone (Ariz.) Prospector.

THE TAKING OF THE LAST STEP

Arizona may be a full-fledged state before the end of this week. The certified returns will be in the hands of the president on Wednesday. The proclamation might be expected to issue immediately thereafter. There is nothing in the returns to require verification or close examination. There will be, perhaps, a brief formality, whereupon the president will issue his proclamation. Thereupon statehood immediately and automatically ensues and it devolves at once upon Governor-elect Hunt to set the state

machinery in motion.

The question has often been asked by the impatient whether it is necessary for us to await some official and formal notice that the president has issued his proclamation. There is no such necessity, for in the language of the enabling act, "Upon the issuance of said proclamation by the president of the United States, the proposed state of Arizona shall be deemed admitted by congress into the Union." Obviously we must have some notice that the proclamation has issued, but that may be given by telegraph or any other reliable means of communication.

As to the time that may elapse between the presentation of the returns to the president and the issuance of the proclamation, there has been much conjecture. It is said that the president may withhold the proclamation to this or that date or that he may withhold it indefinitely.

Under the enabling act, he cannot withhold it at all, for upon the presentation to him of the certified returns the president "shall IMMEDIATELY issue his proclamation announcing the result of said election so ascertained." It is this proclamation that is immediately followed by full statehood.

"Immediately," of course, does not mean in this case "on the instant." It is understood that the proclamation shall follow at once upon the presentation of the package containing the returns, but it evidently and certainly means that there shall be no unnecessary delay or postponement of the proclamation to a fixed date.—Bisbee Review.

THE THIRD TERM (Arizona Republican)

A good many newspapers, both Democratic and Republican, are considerably exercised over Mr. Roosevelt's presumptive candidacy for the office of president of the United States. But all this bother is really unnecessary.

Suppose Mr. Roosevelt is seeking the nomination, what of it? He is past thirty-five years of age, is a native born citizen and there is no legal impediment to his alleged ambition. Some say the breaking of the two-term precedent is distasteful to a large section of the citizenship; but how can we know that? George Washington was offered a third term and so was Thomas Jefferson. There is a very insistent demand in these degenerate days that we return to the "government of the fathers," and a return to the government of the fathers, if we are to return all the way, necessitates the offering of a third term to somebody, and Mr. Roosevelt happens to be the only available individual in esse.

And then we don't care as much for precedent as we did once. Indeed, it seems that precedents, these days, are made principally that they may be broken. We are shattering precedents right and left every day and so far nobody has been killed or maimed.

THE KNOCKER (Mesa Free Press)

Who is the knocker? This question is easily answered. You will usually find him on some corner when the police are not present; his amount of work during the day is represented by the algebraic figure X, and his occupation, if you asked him, would puzzle him more than the solution of the number of summers seen by the fictitious Ann. Still, he knows how the entire city should be regulated although he does not know, and does not care how he will pay his poll tax. He couldn't go on the bond of a man fined ten cents, yet he discusses the finances of the city as if he had the combination of the city treasury at his finger's end. Nothing that happens to his home town is any good; it never can be. He judges the town from his own standard and the conclusion is only obvious. Bees kill out the drones; the law prevents our following the example of the industrious insects.

ARIZONA FIRST IN BUILDING OF SMELTERS

New Year Marked by Increase in Number of Plants, Following Extensive Developments in Mines of State

The building of new copper smelters and the enlargement of old plants have never appeared more prominently in the records of the mining industry. Arizona is especially favored in this respect, new and enlarged smelters being a natural sequence to the extensive developments in the mines of that state during the last two years. For the first time, the American Mining and Smelting company will be the owner of a plant in this part of the Southwest, the El Paso smelter being insufficient to supply the demands of the industrial development in Gila and Pinal counties. The smelter at Hayden will be in operation within two or three months, primarily to meet the needs of the Ray Consolidated, but probably also as a custom plant for the uses of other similarly extensive mines in the same neighborhood.

As showing further the development of smelting in Arizona, both the Copper Queen and the Calumet & Arizona at Douglas are actively enlarging their facilities which amount practically to the erection of new plants, in the same county the Shattuck-Arizona has a smelter in contemplation in the Clifton-Morenci district. The Arizona Copper company has started a new plant, while the United Verde Copper company, in the Jerome district, is expecting soon to replace its old smelter with a new plant some miles distant from the mines. Such improvements as these are placing Arizona in the forefront of the copper smelting industry, older and out of date methods being pushed into the discard. The new state is securing the benefit of the most modern experience for this type of metallurgical works.

In other sections the principal new copper plant is the Mason Valley in the Yerington district, western Nevada, which has just been blown in. In the Butte district the East Butte plant has been materially improved, while the Tacoma smelter of the American Smelting and Refining company has increased its facilities to accommodate the output of the Alaska mines.

Significant among the developments of 1911 was the increasing use of basic-lined converters, which are rapidly replacing the acid-lined plants for the treatment of copper matte; also the enlarged use of oil as a smelting fuel, particularly in the reverberatory plants. Wherever oil can be obtained at a low enough price it is taking the place of coal.

SHANNON RY. CASES APPEALED TO SUPREME COURT

Records in Big Land Suit Cover Many Hundred Typewritten Pages

George Smalley, clerk of the district court, was a busy man when he shipped to Phoenix the records on appeal of the case of O. J. Cotey et al. vs. the Shannon Arizona Railroad company, which the Globe Silver Belt.

The case which was originally commenced for \$175,000 was tried in the district court before a jury which awarded the plaintiffs judgment to the amount of \$48,000. The case, however, was appealed by the Boston Safe Deposit company, and yesterday Mr. Smalley shipped to Phoenix a box and bundle containing the records in the case.

Mr. Smalley said that during the entire seven years he had been in the office this was the first time that it had ever been necessary to ship the records of a case by express instead of mail. In fact, Mr. Smalley said, the records in this case are the largest that have ever been entered in the books of the district court of Gila county. Mr. Smalley said that there had been over 700 exhibits which had been marked for identification during the trial.

When buying a cough medicine for children bear in mind that Chamberlain's Cough Remedy is most effectual for colds, croup and whooping cough and that it contains no harmful drug. For sale by all dealers.

GERMAN ARMY FLIGHT

HAMBURG, Feb. 8.—Two army officers made an aeroplane flight in a war department machine, today from Doberitz near Berlin, to Hamburg in two hours and fifteen minutes. They covered with distance without landing at a speed of 66 miles an hour.